

Attorney Docket No. 301101-00009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peng CHEN et al.

Serial No.: 10/091,046

Filed: March 5, 2002

Art Unit 3624

Confirmation No.: 6492

Examiner: Unknown

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April 16 2004

Date

Mary Seem

Name

April 16 2004

Date of Signature

Title: AUTOMATICALLY ALLOCATING AND
REBALANCING DISCRETIONARY PORTFOLIOS

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CUSTOMER NUMBER:

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Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(B)

Dear Sir or Madam:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached four sheets of PTO/SB/08A or B. This Information Disclosure Statement is being filed prior to receipt of the first Office Action for the above-referenced application. Copies of all documents other than issued U.S. patents and U.S.

patent application publications are enclosed. Further, Applicants submit herewith copies of US Patent Document Cite Nos. 3, 4, 22, 26, 27, 34, 39-43, 46 and 50-51, deemed by Applicants to be most relevant in their described subject matter to the claimed invention, in order to comply with the requirements of the Petition to Make Special which this Information Disclosure Statement accompanies.

Applicants respectfully request that the Examiner consider the listed documents, and evidence that consideration of relevant portions thereof by making appropriate notations on the attached forms.

The references include one Japanese laid-open publication (Cite No. 20). Relative to an English translation, Applicants have only the English abstract submitted herewith, which will also serve as a concise explanation of the relevance of this publication.

Applicants have further included several web pages (Cites 58 and 61 – 66), downloaded in either December 2003 or January 2004, but believed to have been available on the world wide web at dates much earlier than this. Applicants have provided url addresses and copyright dates or “last updated” dates as expressed in these web pages, where those dates are available. If the Examiner believes that this identification of these web pages is still insufficient for the Examiner to consider their content, the Examiner is invited to contact the undersigned.

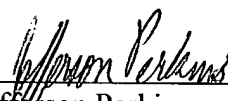
It is believed that these references either taken alone or in combination do not disclose or suggest the invention claimed by the Applicants. However, it is the Applicants’ desire to have these references available in the record for both the Examiner and the public to see. The Applicants specifically reserve all rights of privilege and confidence with respect to this matter and submission of this document is not to be construed as a waiver of those rights.

This submission does not represent that no better art exists and, except as noted in the accompanying Petition, does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

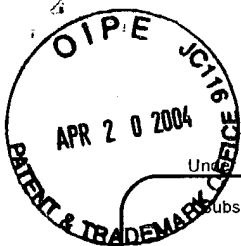
If there is any fee due in connection with the filing of this statement, please charge the fee to Deposit Account No. 18-2284.

Respectfully submitted,



Jefferson Perkins
Reg. No. 31,407

DASPIN & AUMENT LLP
10 S. Riverside Plaza, Suite 1220
Chicago, Illinois 60606-3710
Telephone: (312) 258-3762
April 15, 2004



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 4

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Application Number	10/091,046
Filing Date	March 5, 2002
First Named Inventor	Peng Chen
Art Unit	3624
Examiner Name	
Attorney Docket Number	301101-00009

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 5148365	09-15-1992	Dembo	
	2	US- 5806047	09-08-1998	Hackel et al.	
	3	US- 5812987	09-22-1998	Luskin et al.	
	4	US- 5819238	10-06-1998	Fernholz	
	5	US- 5911136	06-08-1999	Atkins	
	6	US- 5918217	06-26-1999	Maggioncalda et al.	
	7	US- 5999917	12-07-1999	Facciani et al.	
	8	US- 6012044	01-04-2000	Maggioncalda et al.	
	9	US- 6018722	01-25-2000	Ray et al.	
	10	US- 6021397	02-01-2000	Jones et al.	
	11	US- 6078904	06-20-2000	Rebane	
	12	US- 6154732	11-28-2000	Tarbox	
	13	US- 6205434 B1	03-20-2001	Ryan et al.	
	14	US- 6240399 B1	05-29-2001	Frank et al.	
	15	US- 6253192 B1	06-26-2001	Corlett et al.	
	16	US- 6292787 B1	09-18-2001	Scott et al.	
	17	US- 6405179 B1	06-11-2002	Rebane	
	18	US- 6430542 B1	08-06-2002	Moran	
	19	US- 6484151 B1	11-19-2002	O'Shaughnessy	

FOREIGN PATENT DOCUMENTS

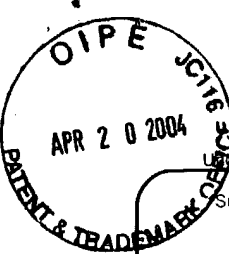
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	20	JP 2001-076057 A	03-23-2001	Idea Works KK	Abstract, Figs.	✓

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 2 of 4

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		Number-Kind Code ² (if known)			
	21	US- 6484152 B1	11-19-2002	Robinson	
	22	US- 6601044 B1	07-29-2003	Wallman	
	23	US- 2002/0013751 A1	01-31-2002	Facciani et al.	
	24	US- 2002/0013754 A1	01-31-2002	Frank et al.	
	25	US- 2002/0038271 A1	03-28-2002	Friend et al.	
	26	US- 2002/0059127 A1	05-16-2002	Brown et al.	
	27	US- 2002/0062272 A1	05-23-2002	Kim et al.	
	28	US- 2002/0091605 A1	07-11-2002	Labe, Jr. et al.	
	29	US- 2002/0103733 A1	08-01-2002	Barrington et al.	
	30	US- 2002/0107770 A1	08-08-2002	Meyer et al.	
	31	US- 2002/0123951 A1	09-05-2002	Olsen et al.	
	32	US- 2002/0128941 A1	09-12-2002	Champion et al.	
	33	US- 2002/0138381 A1	09-26-2002	Tomecek	
	34	US- 2002/0138383 A1	09-26-2002	Rhee	
	35	US- 2002/0138388 A1	09-26-2002	Reiss	
	36	US- 2002/0138389 A1	09-26-2002	Martone et al.	
	37	US- 2002/0152151 A1	10-17-2002	Baughman et al.	
	38	US- 2002/0156710 A1	10-24-2002	Ryder	
	39	US- 2002/0169701 A1	11-14-2002	Tarbox et al.	

FOREIGN PATENT DOCUMENTS

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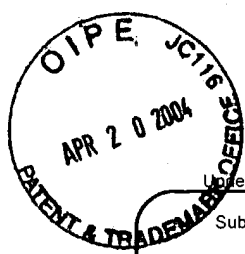
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Sheet 3

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		Number-Kind Code ² (if known)			
	40	US- 2002/0174042 A1	11-21-2002	Arena et al.	
	41	US- 2002/0174045 A1	11-21-2002	Arena et al.	
	42	US- 2002/0174047 A1	11-21-2002	Fernholz	
	43	US- 2002/0184129 A1	12-05-2002	Arena et al.	
	44	US- 2003/0014343 A1	01-16-2003	Jones	
	45	US- 2003/0028466 A1	02-06-2003	Jenson et al.	
	46	US- 2003/0065602 A1	04-03-2003	Yip	
	47	US- 2003/0088492 A1	05-08-2003	Damschroder	
	48	US- 2003/0093347 A1	05-15-2003	Gray	
	49	US- 2003/0110113 A1	06-12-2003	Martin	
	50	US- 2003/0120574 A1	06-26-2003	Wallman	
	51	US- 2003/0120575 A1	06-26-2003	Wallman	
	52	US- 2003/0120576 A1	06-26-2003	Duckworth	
	53	US- 2003/0126054 A1	07-03-2003	Purcell, Jr.	
	54	US- 2003/0144936 A1	07-31-2003	Sloan et al.	
	55	US- 2003/0208427 A1	11-06-2003	Peters et al.	
	56	US- 2003/0208429 A1	11-06-2003	Bennett	
	57	US- 2003/0212622 A1	11-13-2003	Wallman	
		US-			

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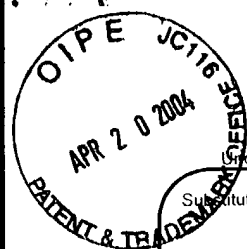
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Sheet	4	of	4
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	58	Web page: Efficient Solutions, Inc., http://www.effisols.com , believed posted at least as early as March 2, 2001, copyr. 1998-2002	
	59	DELANEY AND REICHENSTEIN, "An Expanded Portfolio View Includes Real Estate and Human Capital", AAI Journal (July 1996), pp. 7 - 11	
	60	HANNA AND CHEN, "Subjective and Objective Risk Tolerance: Implications For Optimal Portfolios", Financial Counseling and Investing, Vol. 8(2), pp. 17 - 26 (1997)	
	61	Web page: ITS Associates, Inc. -- Products, http://www.itsww.com/products , last updated February 26, 2002, copyr. 1999 ✓	
	62	Web page: ITS Associates, Inc., -- Query2Trader, http://www.itsww.com/products/trader.htm , last updated April 3, 2000, copyr. 1999	
	63	Web page: Horace Mann Educators Corporation, "Rebalancing keeps your portfolio in sync", http://www.horacemann.com/html/annuity/rebalance.html , copyr. 2002.	
	64	Web page: Advisor Software, Inc., "Advisor Software: Solutions -- Portfolio Rebalancing Solution", www.advisorsoftware.com/solutions/portfolio_rebalancing.html , copyr. 2003	
	65	Web page: Strategic Financial Solutions, LLC., "PerTrac 2000 Software: Asset Allocation", http://www.pertrac2000.com/allocation.asp , copyr. 2002	
	66	Web page: Strategic Financial Solutions, LLC., "PerTrac 2000: Portfolio Optimization", http://www.pertrac2000.com/optimization.asp , copyr. 2001	

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